

BOARD OF APPEALS CASE NO. 5353

*

BEFORE THE

APPLICANT: Joseph Neubauer

*

ZONING HEARING EXAMINER

**REQUEST: Variance to construct an attached
sunroom within the required rear yard setback;
2800 Alder Court, Abingdon**

*

OF HARFORD COUNTY

*

Hearing Advertised

*

Aegis: 4/23/03 & 4/30/03

HEARING DATE: June 18, 2003

*

Record: 4/25/03 & 5/2/03

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant, Joe Neubauer, is requesting a variance, pursuant to Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance, to allow a sunroom within the required 40-foot rear yard setback (32 feet proposed) in an R3/Community Development Project (R3/CDP) District.

The subject parcel is located at 2800 Alder Court, Abingdon, MD 21009 and is more particularly identified on Tax Map 56, Grid 4F, Parcel 511, Lot 98. The parcel consists of 0.22 acres, is zoned R3/CDP Community Development Project and is entirely within the First Election District.

Mr. Jeffrey Hoilman appeared on behalf of the Applicant. Hoilman and his company have been engaged as the builder/contractor for the project. Hoilman testified that the parcel is located at the end of a cul-de-sac and is triangular in shape. The parcel is also smaller than surrounding lots. The existing deck is 24-feet by 20-feet and the proposed sunroom will measure 13-feet by 15-feet. The sunroom is a single story design and will utilize materials matching the appearance of the existing home. The parcel is located in the development of Box Hill North and there are numerous other sunrooms similar in size and type located in the neighborhood. The witness did not think the request, if approved, would result in any adverse impacts to adjoining properties or impair the purpose of the Code.

Case No. 5353 – Joseph Neubauer

The Department of Planning and Zoning recommends approval of the request and agreed with the Applicant's witness that the parcel is uniquely configured. The lot is triangular in shape compared to other lots that are more rectangular and deeper. This lot is smaller than others and shallower due to shape and location at end of cul-de-sac. There are existing mature trees to the rear of the parcel that will mitigate any adverse impacts but the Department did not find that adverse impacts would result from an approval.

There were no persons that appeared in opposition to this request.

CONCLUSION

The Applicant, Joseph Neubauer, is requesting a variance, pursuant to Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance, to allow a sunroom within the required 40-foot rear yard setback (32 feet proposed) in an R3/Community Development Project (R3/CDP) District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner agrees that the parcel is uniquely configured. The request is minor in nature and no foreseeable impacts will result from approval. The Code provisions are designed to provide adequate separation between parcels. In this case, although the setback is reduced any possible impact is mitigated by the existence of a mature stand of trees to the rear that will serve as a natural buffer.

Case No. 5353 – Joseph Neubauer

The Hearing Examiner recommends approval, subject to the Applicant obtaining any and all necessary permits and inspections.

Date JULY 18, 2003

William F. Casey
Zoning Hearing Examiner